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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,601	04/01/2004	Sondra Morehead	1978.101	9678

7590

12/30/2005

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EXAMINER

SHAW, ELIZABETH ANNE

ART UNIT

PAPER NUMBER

3644

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/815,601

Applicant(s)

MOREHEAD, SONDRRA

Examiner

Elizabeth A. Shaw

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 19-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-13, 18 is/are rejected.
- 7) ☒ Claim(s) 3 and 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/21/04, 11/04/05</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-10, 12, 13 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Barbera et al (5,630,382). Barbera et al show a collar 11 and a harness 12, 13 comprising at least one illumination source 21 mounted on the collar/harness 11-13, one or more insets 20 mounted on the collar/harness 11-13 and one light transferring fiber/fiber optic filament 18 which includes a first end 26 coupled for receiving light from the at least one illumination source 21 and a second end being coupled to the inset 20 from transmitting light to the inset 20. The illumination source 21 having one or more light generating elements/light bulbs 24, a power supply/battery 23 connected to the light generating elements 24 and a control mechanism 27 connected to the power supply 24 and operable to control the power supply to the light generating elements 24. The illumination source 21 is mounted to both the interior 19 and the exterior 16 of the collar 11. The housing is mounted to the exterior 16 and the light generating elements and battery are mounted to the interior surface 19 of the collar 11. The insets 20 being mounted such that when the collar 11 is worn, the light is directed away from the head of the pet, see fig. 1 and are adapted to show one predetermined color of light.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barbera et al in view of Raskas (5,430,621). Barbera et al does not disclose the composition of the fiber optic filaments. Raskas teaches the use of a fiber optic filament 18 composed of plastic, col. 3, lines 17-20. With respect to claim 11, to use the plastic strands taught by Raskas with the illumination device of Barbera et al would have been obvious to one skilled in the art in order to provide a more flexible light transmitter.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barbera et al in view of Smierciak et al (6,557,498). Barbera et al does not show a leash coupled to the collar. Smierciak et al shows an illuminated leash 30, fig. 3. With respect to claim 17, to use the illuminated leash of Smierciak et al with the illuminated harness and collar of Barbera et al would have been obvious to one skilled in the art in order to provide safety illumination showing where the dog owner is walking.

***Allowable Subject Matter***

Claims 3 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Objections***

Claims 12 and 13 are objected to because of the following informalities: these claims are duplicates of each other. Appropriate correction is required.

***Election/Restrictions***

Applicant's election of Group I claims in the reply filed on Sept. 22, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Conclusion***

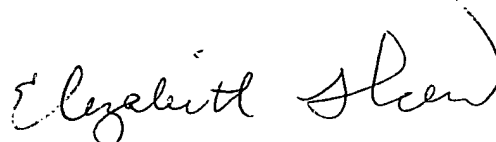
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Included for further reference are Harding (6,106,130), Sciarra (6,970,090) and Cheng (2003/0094145).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 571-272-6908. The examiner can normally be reached on M-Th 10:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elizabeth A. Shaw  
Examiner  
Art Unit 3644

December 21, 2005



TERI PHAM LUU  
SUPERVISORY  
PRIMARY EXAMINER